

without regard to the political status and relation of the Philippines, Porto Rico, the Hawaiian Islands, and the Canal Zone to the United States, they, together with Cuba, are for these purposes to be classed with foreign countries, and in the absence of statement in tariffs limiting the application of export and import rates, export and import rates will apply on traffic destined to or coming from the above-named territories.

(b) *Steamship charges may be shown.* As a matter of convenience to the public, said inland carriers may also publish as information in their tariffs in connection with the inland rate as above provided the steamship charges to or from foreign destinations. When this is done, such steamship charges may be changed without notice, but the rates of inland carriers to (or from) ports are subject to all provisions of section 6 of the Interstate Commerce Act and of the Commission's rules with respect to notice and form of publication. Tariffs containing such steamship charges must not be concurred in by the ocean carriers.

(c) *Through export and import billing.* Export and import shipments may be forwarded under through billing, but through bills of lading must clearly separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

CROSS REFERENCE: For regulations governing the posting of freight tariffs of common carriers by rail, water, and pipe line, including tariffs containing joint motor-rail, motor-water, and/or motor-rail-water rates, see Subpart A of Part 1305 of this chapter.

**§ 1300.200 Alternation of through rates with aggregate of intermediate rates.**

(a) In order to facilitate the application of rates which will be in accord with the aggregate-of-intermediates provision of the fourth section of the act, common carriers by railroad and their duly appointed tariff publishing agents may depart from the terms of §§ 1300.4 (h) and (i) and 1300.7(b) (Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20) for the purpose of incorporating in tariffs naming rates and charges for the transportation of property the following rule in lieu of the rule authorized in § 1300.56 (Rule 56 of Tariff Circular No. 20) :

If on any shipment an aggregate-of-intermediate local, joint and/or proportional interstate rates constructed via a route over which the through rate published in this tariff is applicable produces a lower charge

than the through rate, such aggregate of rates will apply via all routes authorized in this tariff and the through rate has no application to any such shipment via any of those routes.

Common carriers by railroad and their duly appointed tariff publishing agents when publishing the foregoing rule may provide for its nonapplication to rates on particular descriptions of traffic, in which event, as to such rates, the rule authorized in § 1300.56 may be used.

(b) Publications issued hereunder shall make specific reference hereto as authority for tariff circular departure by using the following notation:

Rules 4(h), 4(i), and 7(b) of Tariff Circular No. 20 waived; I.C.C. Permission No. 16500.

(c) This permission does not modify any outstanding formal orders of the Commission nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications. This permission shall continue in force and effect until otherwise ordered by the Commission.

**PART 1301—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES—RAILROADS**

Sec.

- 1301.11 Continuation or establishment of rules for absorption of switching charges is authorized by publication, filing and posting of schedules.
- 1301.21 Disposition of fractions.
- 1301.31 Authorization for changes in classification ratings, rules and regulations.
- 1301.61 Relief for departures in rates on transit shipments.
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**Sec.**

- 1301.83 Acceptance of applications.  
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 1301.85 Changes and additions.

**AUTHORITY:** The provisions of this Part 1301 issued under secs. 3, 4, 12, 24 Stat. 380; 49 U.S.C. 3, 4, 12.

**SOURCE:** The provisions of this Part 1301 appear at 32 F.R. 20537, Dec. 20, 1967, unless otherwise noted.

**§ 1301.11 Continuation or establishment of rules for absorption of switching charges is authorized by publication, filing and posting of schedules.**

(a) All carriers that may desire to continue or to establish rules for the absorption of switching charges are hereby authorized to continue the practice of absorbing switching charges from competitive and not from noncompetitive stations for the present by the publication, filing, and posting of schedules in the manner and form as prescribed by law and by the Commission's regulations.

(b) Tariffs containing the rules in this part need contain no reference to this order. The Commission does not hereby approve any rules that may be filed under this permission, all such rules being subject to complaint, investigation, and correction if they conflict with any other provision of the act.

**§ 1301.21 Disposition of fractions.**

(a) Applying the rule de minimis, all carriers are hereby authorized, in the making up of through fares or rates on the aggregate of the intermediate fares or rates, to disregard fractions of a cent less than .5, retaining the half cent in the rate when it is even .5, and making the rate in even cents when the fraction is more than .5.

(b) Tariffs need contain no reference to this order. The Commission does not hereby approve any fares or rates that may be filed under this authority, all such fares and rates being subject to complaint, investigation, and correction if in conflict with any other provision of the act.

**§ 1301.31 Authorization for changes in classification ratings, rules and regulations.**

(a) As to, and confined to, class rates authorized by fourth-section order or orders of this Commission or covered by applications filed on or before February 17, 1911, that have not been passed on, carriers are hereby authorized to

make changes in classification ratings, rules, and regulations affecting traffic covered by the said class rates without observing the long-and-short-haul clause of the Interstate Commerce Act but subject to the succeeding paragraphs of this section.

(b) The relief granted in this section shall apply only to changes in classification ratings, rules, and regulations made by amendment to the official, southern, western, or Illinois classifications.

(c) Classification changes made by authority of Fourth-Section Order No. 144 and supplements thereto or amendments thereof prior to the date of this order shall not be required to be changed by reason of the provisions hereof until further order of the Commission.

(d) Until the effective date of the rates prescribed in Southern Class Rate Investigation, Docket No. 13494, carries parties to Southern Classification No. 47, E. H. Dulaney's I. C. C. No. 19, are hereby authorized to make changes in ratings, rules, and regulations in the said classification occurring in the ordinary course of business without observing the long-and-short-haul provision of the fourth section of the Interstate Commerce Act. The Commission does not hereby approve any changes in classification filed under this authority, all such changes being subject to complaint, investigation, and correction if in conflict with any provision of the act.

**§ 1301.61 Relief for departures in rates on transit shipments.**

In those instances in which fourth-section orders have been or may be entered granting carriers relief from the provisions of section 4 of the act to maintain lower rates for the transportation of like kind of property for longer than for shorter distances the same relief shall also apply when the said rates, with or without the addition of lawfully established charges to cover the cost of transit, are applied on transit shipments. This section shall not be construed as authorizing fourth-section departures which might result from the establishment of transit privileges at some points and not at other points on the route of movement, nor as approving any transit arrangements that may be established under this permission, all such arrangements being subject to complaint, investigation, and correction if in conflict with any other provision of the act.

§ 1301.65 Filing schedules simultaneously with applications.

(a) Section 4 (1) of the Interstate Commerce Act (49 U.S.C. 4 (1)) has been amended by the Transportation Act of 1940, now effective, so as to eliminate the so-called equidistant clause and to provide:

That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon one day's notice.

(b) Heretofore, the practice of carriers has been to file applications for, and to obtain, fourth-section relief of either a temporary or continuing character before publishing and filing rates which would without relief contravene the fourth section. The new proviso is construed as intended to shorten the period intervening between carriers' determination to publish rates and their effective date so that if relief is granted, the time now intervening between the filing of the application and its granting will be eliminated, but is not intended to set aside the 30 days' notice requirement of section 6 or to abridge the rights of interested persons to seek suspension under section 15 (7). To facilitate administration of the new proviso and at the same time to avoid interference with other sections of the act, the following procedure has been adopted:

(1) Insofar as possible, fourth section applications filed under the proviso will be acted upon before the effective date of the tariffs.

(2) In cases where it is found possible to pass upon applications before the effective date of the tariffs, if relief is granted, such relief will be made effective not with issuance of the order but on the same date as the effective date of the tariffs.

(3) In cases where action upon the application has not been taken prior to the effective date of the schedules, or where the relief sought has been denied in whole or in part, the present intention is to suspend the tariffs in order to avoid the unauthorized fourth-section departures which otherwise would result.

(4) Where rates were suspended solely because of failure to act upon the fourth-section application and where the necessary relief is subsequently granted, the

present intention is promptly to vacate the order of suspension, the vacating order to be effective with issuance.

(c) Pending modification of the Commission's Rules of Practice and applicable tariff circulars, carriers that file applications for relief from the provisions of section 4 with respect to rates, fares or charges included in schedules filed concurrently with such applications, should include in the applications a complete statement of the tariffs and supplements containing such rates, fares or charges in substantially the following form:

The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective -----  
(Date)

In -----  
(Name of agent or carriers)  
Tariff, I. C. C. ---- (supplement number to  
(No.)  
tariff should be shown if published therein).

(d) Tariffs and supplements filed under the above provision should show on the title page thereof a statement that they contain rates, fares, or charges, as the case may be, that contravene the long-and-short-haul (or aggregate-of-intermediates) provision of section 4, and should give specific reference to an item or page of the tariff or supplement on which shall be prominently displayed a complete and specific list of items and pages on which such rates are found, with specific number and date reference to the application for relief with respect to such rates, fares or charges.

(e) When appropriate fourth section relief has been granted before the effective date of tariffs or supplements, and such tariffs or supplements become effective, number reference to the order granting such relief need be given only when the next supplement or reissue is filed.

(f) Many outstanding orders granting relief from the long-and-short-haul provision of section 4 contain conditions designed to give effect to the equidistant clause. The present intention is not to eliminate such conditions in the absence of petitions for reopening of proceedings in which such orders were entered as it is believed that in some cases retention of such conditions may be warranted notwithstanding the repeal of the equidistant clause and in others some substitute limitation may be necessary.

NOTE: See previous notice in this matter, 5 F. R. 3758, Sept. 25, 1940.

**§ 1301.75 Applications, preparation and filing, conformity with rules.**

Any common carrier subject to the act may apply to this Commission, under section 4(1) of the act, for such authorization as it is empowered to grant thereunder. Such application must conform to the requirements hereinafter provided.

**§ 1301.76 Freight and passenger applications separate.**

Separate applications shall be filed for relief with respect to freight rates and passenger fares.

**§ 1301.77 Long-and-short-haul and aggregate of intermediate applications separate.**

Separate applications shall be filed for relief from the long-and-short-haul provision, and for relief from the aggregate-of-intermediates provision of section 4 of the act.

**§ 1301.78 Number of copies, form, general specifications and requirements, signatures, and verification.**

(a) Applications shall be substantially in the form shown below, and five copies of each, including all exhibits and maps, must be furnished.

**FORM OF APPLICATION FOR RELIEF UNDER SECTION 4(1) OF THE ACT**

**FOURTH SECTION APPLICATION**

Commission's No. -----  
Carrier's No. -----

The ----- Company, by -----, its ----- (Official title), hereby petitions the Interstate Commerce Commission for authority to establish rates (or fares, or charges or classifications) hereinafter set forth without observing the long-and-short-haul (or aggregate-of-intermediates) provision of section 4(1) of the Interstate Commerce Act. (If rates, etc., are to apply over the lines of more than one carrier, the application should show that it is made for and on behalf of all such carriers, naming them, or if made for or on behalf of all carriers parties to a particular tariff, reference may be made by I.C.C. No. to such tariff for the names of such carriers.)

I. (State fully the rates, fares, charges, etc., which it is desired to establish, with complete reference to the tariffs in which published and the effective date thereof, the routes over, and the articles or classes upon which they are to apply, and names or descriptions of the points of origin and destination. See Note A following.)

II. (State fully names or description of intermediate points at which it is desired to maintain higher rates etc., and rates etc., at such points or a sufficient number of such points to illustrate the situation, including

the first and last higher-rated and the highest-rated intermediate points. Distances between all points shown should be included in this statement. In applications for relief from the aggregate-of-intermediates provision, set forth typical examples of the higher through rates, fares, or charges, and the intermediate rates, fares, or charges that in the aggregate are less than the through rates, etc. See Note A, following. Also show I.C.C. Nos. of tariffs, and supplements thereto, containing the rates and distances stated.)

III. This application is based upon the following facts which present all of the circumstances and conditions relied upon by your applicant in justification of the relief herein prayed: (Make a complete and accurate statement as to the necessity for the proposed changes, and all of the circumstances and conditions relied upon as justifying the relief prayed. See Note A, following.)

IV. (Give specific reference to any proceeding pending before or determined by the Commission, by docket number, and report citation, if any, which may have any bearing upon, or be in any way related to the rates, etc., sought to be established or maintained. If none, state that fact.)

----- Company  
(Corporate title of applicant)  
By -----  
(Personal signature of officer)  
-----  
(Title of officer)

NOTE A. When more convenient this information may be given in an exhibit or exhibits, and here referred to: "As stated in exhibit ----- attached to and made a part hereof." Information required under each numbered section, as above, should be shown in a separate exhibit. Exhibits should conform to the following requirements:

*Generally.* Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should not be argumentative, should be limited to statements of fact, and be relevant and material to the issue.

*Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provision must, by appropriate Interstate Commerce Commission number reference, indicate the

tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such or schedule lawfully on file with the Commission are specifically published in a tariff mission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedule as provided by this rule.

(b) Applications shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, multilithing, mimeographing, or any other process, provided the copies are clear and permanently legible. Whiteline blue prints which cannot be reproduced by photography are not desirable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double spaced, except that long quotations shall be single spaced and indented. If printed, nothing less than 10-point type shall be used, except that 8-point type may be used in footnotes.

(c) The original copy of the application must be over the personal signature of an executive officer, a responsible traffic officer, or a duly authorized attorney or agent, specifying his title, and sworn to before a notary public or other officer authorized by law to administer oaths. Verification shall be in the manner shown below:

VERIFICATION

State of \_\_\_\_\_ } ss:  
County of \_\_\_\_\_ }

\_\_\_\_\_ (Name of affiant), being duly sworn, deposes and says: That he is the \_\_\_\_\_ (Title of affiant) of the \_\_\_\_\_ (Name of applicant); that he is authorized by said applicant to sign and file with the Interstate Commerce Commission this application and exhibits attached hereto, and to verify the facts and statements contained in said application and exhibits; that he has carefully examined all of such statements contained in said application and exhibits; and that the same are true and cor-

rect to the best of his knowledge, information, and belief.

Subscribed and sworn to before me, a \_\_\_\_\_ in and for the State and County above, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(SEAL) My commission expires \_\_\_\_\_

§ 1301.79 Matters to be shown in the application.

(a) The information required in this section and in §§ 1301.80, 1301.81, and 1301.82, according to the grounds upon which relief is sought, shall be shown in the application when Commission action is desired on the presentation made therein, without hearing. When a hearing is desired and applicants propose to justify at the hearing the relief desired, the information specified in this section shall be included in the application, and the information required in §§ 1301.80, 1301.81, and 1301.82 may, instead, be introduced at the hearing. It should be understood, however, that where the information included in the application does not fully justify the relief sought, or for other good cause, the application may be assigned for hearing at the Commission's discretion. The application shall show:

(b) The names of the carrier or carriers for, or on behalf of which it is made, or, if made on behalf of all carriers parties to a particular tariff, the application may refer to such tariff by Interstate Commerce Commission number (hereinafter abbreviated I.C.C. No.).

(c) The I.C.C. No. of all tariffs in which rates, fares, or charges referred to in the application or exhibits are published.

(d) The rates, fares, or charges proposed to be established; the basis or bases therefor; the articles or classes on which they are to apply; the points of origin and destination; and the routes between such points over which the rates, fares, or charges will apply. (Direct routes only with respect to applications for long-and-short-haul relief). When relief is desired from or to "related" points or "group" points, the points or groups shall be indicated in the map hereafter required to be furnished, or defined by reference to tariff publications providing the grouping.

(e) If long-and-short-haul relief is sought, the intermediate points at which it is proposed to maintain rates, fares, or charges higher than those proposed from or to more distant points, and the rates,

fares, or charges at such points. If relief from the aggregate-of-intermediate provision of section 4 is sought, the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(f) A complete and accurate statement of the grounds relied upon as justification for the relief prayed.

(g) Applications for relief from the provisions of section 4 with respect to rates, fares, or charges included in schedules filed before the necessary relief has been obtained shall include in the opening or second paragraph a complete statement of the tariffs and supplements containing such rates, fares, or charges in substantially the following form:

The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective \_\_\_\_\_ (Date) in \_\_\_\_\_ (Name of agent or carriers) tariff I.C.C. \_\_\_\_\_ (Number). (Supplement number should be shown if published in a supplement).

#### § 1301.80 Additional information required.

(a) *Long-and-short-haul relief.* Applications should show:

(1) That, where proposed rates are depressed to meet competition, the competitive rates they are being established to meet are not within the control of applicant carriers, and any other facts tending to show that such rates should not be observed as maxima at intermediate points.

(2) That the lower rates for longer than for shorter hauls over the same line or route are reasonably compensatory.

The following information is considered pertinent in a showing as to the reasonably compensatory nature of rates:

(i) Statement of ton-mile, car-mile, and per-car earnings under the competitive rates. When a general adjustment is involved covering rates between numerous competitive points and applicable or to be applied by numerous routes, it will be sufficient, ordinarily, to give representative examples of rates throughout the territory yielding the lowest earnings for the longest and shortest hauls involved.

(ii) Statement of ton-mile and car-mile expenses of petitioning carriers on the traffic involved, or other evidence showing that the proposed rates will be reasonably compensatory.

(3) A statement of rates at representative intermediate points at which rates exceed or would exceed the rates at more

distant points under the proposed adjustment, including rates at the first and last higher-rated intermediate points and the distances from and to such intermediate points. This information need not be shown where the rates at the more distant points are constructed on the basis of a mileage scale and the rates at the intermediate points reflect the same mileage scale.

(4) That the higher rates for the shorter than for the longer hauls over the same line or route are reasonable. (The usual facts tending to show the reasonableness of rates should be presented).

(5) Whether there is a complaint pending as to the reasonableness of the rates at the intermediate points on the applicant line or route.

(6) In the event the rates proposed to be superseded by subsequent revisions are maintained under authority of outstanding fourth-section orders, reference to such orders shall be furnished.

(7) Where the proposed adjustment is in any way related to a prior adjustment as to which relief has been authorized, that is, the addition of origins, destinations, commodities, etc., or involves rates for the return movement of commodities as to which relief for initial hauls has been authorized, reference to orders authorizing such relief shall be furnished.

(b) *Aggregate-of-intermediates relief.* Applications should show:

(1) The origins and destinations from and to which it is proposed to continue, or to establish and maintain through rates, fares, or charges which exceed the aggregate-of-intermediate rates, fares, or charges, together with the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(2) That the intermediate rates, fares, or charges which, in the aggregate, are lower than the through rates, fares, or charges, are depressed by competitive conditions that do not affect the through rates, fares, or charges; and the same information with respect to the conditions alleged as affecting the intermediate rates as that required in applications for long-and-short-haul relief with respect to similar conditions when alleged as grounds for maintaining lower rates for longer than for shorter distances.

(3) That the through rates, fares, or charges that would exceed the aggregate-

of-intermediate rates, fares, or charges are reasonable. (The usual facts tending to show the reasonableness of rates should be presented).

**§ 1301.81 Additional matters to be shown.**

(a) *Applications based on water competitions.* (1) The name of the competing water line or lines actually in operation between the water points and whether said water line or lines, in the transportation of the traffic involved, are subject to the Interstate Commerce Act.

(2) A detailed statement of the charges over the water line or lines, including marine insurance, wharfage, handling, shrinkage, and all other applicable incidental charges. Where such charges are named in tariffs on file with this Commission, reference should be made to such tariffs by I.C.C. number.

(3) Whether facilities for loading into and unloading from barges or ships are available.

(4) The minimum tender that may be made to the water carrier or carriers, and whether shippers and receivers are equipped to handle such amounts.

(5) If the season of navigation is restricted, and, if so, that available storage will permit the handling by water of receivers' needs during the season of navigation.

(6) The cost of installation, maintenance, etc., of loading, unloading, and storage facilities which must be constructed or installed before water transportation is feasible.

(7) Evidence supporting water costs and accessorial charges which are not published in tariffs on file with the Commission.

(8) Certification that a copy of the application has been served upon the competing water line or lines named in paragraph 1 hereof. The service and certification shall conform with the requirements of Rule 22 of the General Rules of Practice (§ 1100.22 of this chapter).

(b) *Applications based on motor carrier competition.* The charges over the competing motor line or lines, including all incidental charges, and if interstate common or contract carrier or carriers, reference to the applicable tariffs by I.C.C. numbers.

(c) *Applications based on market competition.* (1) The names of the producing or receiving points whose competition is to be met.

(2) The short line or route and distances, or the class rate distances if the latter are normally used for rate making purposes, from the various producing points to the common market and tariff authority for the distances.

(3) The rates from the competitive producing points with reference by I.C.C. No. to the tariffs naming the rates and whether they conform to the provisions of section 4 of the act. If relief has been granted or application is pending as to such rates, give reference to the I.C.C. No. of the application or order.

(4) Whether similar competition is to be met at intermediate points.

(d) *Applications based on weak financial condition or high operating costs of the applicant line.* Financial statistics and operating conditions.

**§ 1301.82 Miscellaneous provisions.**

(a) In addition to the above, applications should show any other conditions or circumstances relied upon as constituting a special case within the meaning of section 4(1) of the act.

(b) Applications should contain a map, made a part thereof, showing the relative location of lines or routes, the competitive points, and representative intermediate points at which higher rates are to be charged, or representative points from or to which it is proposed to maintain through rates, fares, or charges which exceed the aggregate of intermediates. This map need not be furnished where departures are due only to use of class rate distances and grouping, or to the use of relief line arbitraries.

**§ 1301.83 Acceptance of applications.**

In any case when, upon inspection, the Commission is of the opinion that an application does not sufficiently set forth required material or is otherwise deficient, the Commission may decline to accept the application for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiencies and require that such deficiencies be corrected.

**§ 1301.84 Applications for relief previously denied.**

If the Commission denies an application, and the carrier presents a new application based upon new or additional facts in justification of the proposed rates, fares, or charges, such facts should be clearly indicated as such, and the modified application must refer speci-

cally to the previous application and the number of the order by which it was denied.

#### § 1301.85 Changes and additions.

Copies of any amendment to the application, or any additional information furnished to the Commission in connection therewith, including notices of any changes in the effective date of the rates, fares, or charges as set forth in compliance with § 1301.79(g), shall be served by applicant upon all parties served with a copy of the application and upon all parties protesting the application. The service and certification thereof shall conform with the requirements of Rule 22 of the General Rules of Practice (§ 1100.22 of this chapter).

### PART 1302—EXPORT AND IMPORT SHIPMENTS; RAILROADS

#### CHARGES FOR RAIL TRANSPORTATION WHEN WATER TRANSPORTATION PERFORMED IN VESSELS NOT DOCUMENTED UNDER LAWS OF THE UNITED STATES

Sec.

1302.41 Suspension of statute.

1302.42 Further suspension of statute.

1302.43 Applicable rates on shipments in transit when statute becomes effective.

**AUTHORITY:** The provisions of this Part 1302 issued under sec. 23, 41 Stat. 999, as amended; 46 U.S.C. 484.

**SOURCE:** The provisions of this Part 1302 appear at 32 F.R. 20541, Dec. 20, 1967, unless otherwise noted.

**CROSS REFERENCES:** For Bureau of Customs, Department of Treasury; see Customs Duties, 19 CFR Chapter I. For Foreign-Trade Zones Board; see Commerce, 15 CFR Chapter IV. For Regulations of Bureau of International Commerce concerning foreign trade statistics; see Commerce, 15 CFR Chapter III.

#### § 1302.41 Suspension of statute.

The provisions of section 28 of the Merchant Marine Act, 1920, are hereby further suspended from and including the first day of January, 1921, until further order of this Commission.

#### § 1302.42 Further suspension of statute.

(a) Order of March 11, 1924, as modified, which terminated order of June 14, 1920, as modified, suspending provisions of sec. 28 of the Merchant Marine Act, 1920, until further order of the Commission, is hereby vacated and set aside.

(b) The provisions of said order of June 14, 1920, as modified by the supple-

mental orders of July 27, 1920, December 11, 1920, and February 7, 1921, specified in the paragraph (a), shall continue in force until further order of the Commission.

#### § 1302.43 Applicable rates on shipments in transit when statute becomes effective.

The following conditions are hereby prescribed as supplemental to the orders aforesaid suspending the provisions of section 28 of the Merchant Marine Act, that is to say, that notwithstanding the provisions of the aforesaid section 28 may become effective during the time when export or import shipments are in transit to or from the ports of export or import the following conditions shall be observed.

(a) With respect to all export shipments delivered to and receipted for by common carriers subject to the provisions of section 6 of the Interstate Commerce Act (Sec. 6, 24 Stat. 380, as amended; 49 U.S.C. 6(13)) the rates to the ports in force and applicable upon said shipments via the lines of said carriers upon the date of delivery to and receipt by such carriers shall be applied to said shipments; and,

(b) With respect to all import shipments delivered to and receipted for by common carriers subject to the provisions of section 6 of the Interstate Commerce Act (49 U.S.C. 6 (13)) the rates from the ports in force and applicable to said shipments over the lines of said carriers upon the date of delivery to and receipt by such carriers shall be applied to said shipments.

### PART 1303—PASSENGER SERVICE SCHEDULES; RAIL AND WATER CARRIERS

#### PASSENGER FARE SCHEDULES

Sec.

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1303.3 Title page arrangement.

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